

MINUTES
LICENSING COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS
1917 IH35 SOUTH, BOARD ROOM, AUSTIN, TX 78741
August 15, 2012— 1:00 PM

Call to Order. Committee Chair, James “Jim” Greer, P.E., called the Licensing Committee meeting to order at 1:07 pm on August 15, 2012, at the Texas Board of Professional Engineers, 1917 South Interstate 35, Austin, TX 78741. (All votes are unanimous, unless otherwise noted).

1. Roll call and welcome visitors.

Jim Greer, P.E.	Chair
Lamberto “Bobby” Ballí, P.E.	Member
Gary Raba, D.Eng., P.E.	Alternate Member

A quorum was present. Veena Mohan, Assistant Attorney General, was present to provide legal counsel. Also present was Mr. Edmundo Gonzalez, Jr., P.E., Emeritus Board Member.

The following staff members were present:

Lance Kinney, P.E.	Executive Director
Priscilla Piphio, MPA	Deputy Executive Director
David Howell, P.E.	Director of Licensing
Dewey Helmcamp, III JD	Staff Attorney
Serena Lloyd	Licensing Supervisor
Shannon Velazquez	Licensing Specialist
Dorothy Gonzales	Executive Assistant

Visitors. Terry Bilderback, P.E., Texas Society of Professional Engineers (TSPE); Terry Sams, Texas Department of Transportation (TxDOT); Faye Rencher, Sunset Commission; Joe Walraven, Sunset Commission; Steven Ogle, Sunset Commission; Sam Kannappan, P.E., Board Member.

Personal appearance applicants: Joshua Aaron Baker; James Larry Buckner; Jonathan Richard Cullor; Ryan M. Delmotte; Sabino Diaz Jr.; Larry A. Fabian; Brian David Hartsell; Ryan Allen Henkensiefken; Emile B. Lang; Michael Tyler Meals; Zachary James Munstermann; Daniel Thomas Nichols; Denny Pak-Kei Wong; Christopher Barber; Dorice L. Griffin.

2. Public comment. None.

Agenda item #4 taken out of order, see below.

3. Discuss and possibly approve the May 23, 2012, Licensing Committee Minutes.

It was MOVED/SECONDED (Ballí/Raba) to approve the May 23, 2012, Licensing Committee Minutes as submitted. A vote was taken and the MOTION PASSED.

4. Discuss and possibly act on applications for licensure: Personal Interviews.

Mr. Greer welcomed the applicants and read the following statement:

It is one of the primary obligations of the Texas Board of Professional Engineers to assure that Texas engineers are held to the highest standards of competency, integrity, and honesty. Public safety depends

upon that standard and consistently achieving in our profession requires faithful and unwavering practice of honesty and integrity in all aspects of our lives, not only when we sit at our desk.

Joshua Aaron Baker. This applicant applied to take the PE exam. He has passed the FE exam. He was referred to the Committee due to a criminal incident on file. He has completed all court requirements. The applicant shared his experience with the Committee. He admitted to using poor judgment, and accepted full responsibility. He stated that he is committed to using better judgment. He assured the Committee that this was an isolated case and it has not and will not happen again. The applicant submitted additional reference statements. Mr. Ballí suggested the applicant use his experience to mentor other EITs and engineers.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting scheduled on August 16, 2012, to allow Mr. Baker to take the PE exam. A vote was taken and the MOTION PASSED.

James Larry Buckner. This applicant applied to be licensed in Texas. He passed both the FE and PE exams and is licensed in Florida, Georgia, and South Carolina. He was referred to the Committee due to a criminal incident on file. He applied in June 2011, but pending legal issues, he withdrew his application, and reapplied in July 2012. He has met all his court requirements. The applicant thanked the Committee for allowing him to appear before them. He shared his experience with the Committee members. He also added that he is involved with the Florida Building Commission.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the full Board at its Regular Quarterly Board meeting on August 16, 2012, to approve Mr. Buckner to be licensed in Texas. A vote was taken and the MOTION PASSED.

Jonathan Richard Cullor. This applicant applied to be licensed in Texas. He passed both the FE and PE exams and is licensed in Colorado and New Mexico. He was referred to the Committee due to a criminal incident on file. The NCEES record includes five (5) favorable professional engineer references which attest to his character, reputation, and technical capabilities. The applicant thanked the Committee for allowing him the opportunity to appear before them. He shared his life experience growing up, and his experience involving the incident on file. He commented that people make mistakes, he has accepted full responsibility, and would like to look forward. He asked the Committee to consider approving his request for licensure in Texas.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the full Board at its Regular Quarterly Board meeting on August 16, 2012, to approve Mr. Cullor to be licensed in Texas. A vote was taken and the MOTION PASSED.

Ryan M. Delmotte. This applicant applied to take the PE exam. He has passed the FE exam. The applicant was referred to the Committee due to a criminal incident on file. The applicant received deferred adjudication from the 2011 incident and has not completed the court requirements; however, he still asked for the opportunity to address the Committee. The applicant thanked them for the opportunity to speak to them. He did inform the Committee that he will complete his court requirements in October 2012. He shared his life and incident experiences with the Committee. He added that he now focuses on things in his profession.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to allow Mr. Delmotte to take the exam in April 2013, pending successful

completion of all court requirements, and this information should be provided to Mr. Howell for confirmation of completion. A vote was taken and the MOTION PASSED.

Sabino Diaz Jr. This applicant applied to take the PE exam. He passed the FE exam. He was referred to the Committee due to a criminal incident on file. He has completed all the court requirements. The applicant provided four (4) favorable professional engineer references which attest to his character and reputation, as well as his technical capability. The applicant thanked the Committee for allowing him the opportunity to address them. He shared his experience in regards to the incident. He added that he has participated in treatment programs, counseling, and attended Alcoholics Anonymous meetings. He stated that he realizes that the incident jeopardizes a lot of things, and it made him learn a lot about himself. He added that he has accepted full responsibility and that he should not have been driving.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to allow Mr. Diaz to take the PE exam. A vote was taken and the MOTION PASSED.

Larry A. Fabian. This applicant applied for re-licensure. He was licensed in Texas and his license expired in 1993. He has passed the FE exam and requesting waiver of the PE exam. The applicant was referred to the Committee due to a criminal incident on file. He has completed all court requirements. He has over 34 years of mechanical engineering experience in consulting. He has included three (3) additional reference statements and there were six (6) favorable references when he was originally licensed. The applicant thanked the Committee for allowing him to appear before them. He stated that he applied for re-licensure because he has assisted in building a firm in Houston. He shared his experience regarding the incident, stated that he has accepted full responsibility, and added that at that time, he used poor judgment. The Committee discussed the incidents in depth with the applicant.

It was MOVED/SECONDED (Ballí/) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to deny Mr. Fabian's request of waiver of the PE exam. MOTION FAILED due to no SECOND.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to deny Mr. Fabian's request to get re-licensed. A vote was taken and the MOTION PASSED.

Brian David Hartsell. This applicant applied to take the PE exam. He has passed the FE exam. He was referred to the Committee for a criminal incident on file. He has over 16 years of electrical engineering experience design with consulting companies. He has provided five favorable professional engineer references which attest to his character and reputation as well as his technical capability. The applicant thanked the Committee for the opportunity to speak to them. He explained the details of the incident.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to allow Mr. Hartsell to take the PE exam. A vote was taken and the MOTION PASSED.

Ryan Allen Henkensiefken. This applicant applied for licensure in Texas. He passed both the FE and PE exams. The NCEES record includes five (5) favorable professional engineer references. He

was referred to the Committee due to criminal incidents on file. He has three incidents that are within a relatively short time frame. The applicant thanked the Committee for allowing him to appear before them. He shared his experience regarding the incident, and stated that he accepts full responsibility for his actions. He added that he regrets the incidents.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to hold the application for one (1) year, and ask that Mr. Henkensiefken to return to the Licensing Committee for review. A vote was taken and the MOTION PASSED.

The Committee Chair called for a break at 2:55 pm.

The Committee Chair reconvened at 3:05 pm.

Emile B. Lang. This applicant applied to take the PE exam. He was previously granted a waiver of the FE exam, and has taken the PE exam three times. He marked “no” on his application regarding the question about criminal incidents. He was referred to the Committee due to a criminal incident on file. He has completed all court requirements. The applicant thanked the Committee for allowing him to appear before them. He shared his experience regarding the incident and stated that he has changed his surrounding and friends. The applicant was asked why he marked “no” on the application. Mr. Lang’s response was that there is no excuse why he did that. He stated that he had previously had a background check performed and the incident did not appear. He made a poor decision. He added that he has made changes in his life; he got married and has kids.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting to allow Mr. Lang to take and successfully complete the 30 hour ethics course offered by the National Institute for Engineering Ethics at Texas Tech University, and return to the Licensing Committee in one (1) year. A vote was taken and the MOTION PASSED.

Michael Tyler Meals. This applicant applied to take the PE exam. He has passed the FE exam. He was referred to the Committee due to a criminal incident on file. He has completed all court requirements. The applicant thanked the Committee to allow him to appear before them. He commented that he regrets even having to come before the Committee due to this incident. He shared his experience with the Committee. He added that he is regretful and he has changed his life, has a great job, passed the FE and got married. He has been studying, hoping the Committee would recognize the changes he has made. The applicant was encouraged to get involved with the community.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to allow Mr. Meals to take the PE exam. A vote was taken and the MOTION PASSED.

Zachary James Munstermann. This applicant applied to take the PE exam. He has passed the FE exam. He was referred to the Committee due to a criminal incident on file. He has completed all court requirements. The applicant thanked the Committee for allowing him to appear before them. He shared his experience with the Committee. He stated that he accepts full responsibility and regrets the incident and added that there have been no further issues.

It was MOVED/SECONDED (Ballí/Raba) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to allow Mr. Munstermann to take the PE exam. A vote was taken and the MOTION PASSED.

Daniel Thomas Nichols. This applicant applied to take the PE exam. He has passed the FE exam. He was referred to the Committee due to a criminal incident on file. He has completed all court requirements. The applicant has provided three (3) favorable professional engineer references which attest to his character and reputation, as well as his technical capability. The applicant thanked the Committee for allowing him to appear before them. He shared his experience regarding the incident. He stated that he accepts full responsibility for making a bad decision. He added that he does not allow himself to be in that kind of situation any longer and that he is striving to be a better person.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on August 16 2012, to allow Mr. Nichols to take the PE exam. A vote was taken and the MOTION PASSED.

Denny Pak-Kei Wong. This applicant applied to take the PE exam. He has passed the FE exam. The applicant was referred to the Committee due to criminal incidents on file. All court requirements have been completed. The applicant appeared before the Licensing Committee in 2011. The Committee's suggestion at that time was that Mr. Wong gain an additional year of experience and appear before the Committee again. The applicant thanked the Committee for allowing him to appear before them. He shared his experience regarding the incidents and from his previous personal appearance. He stated that he was remorseful for his actions and he realizes that he should have addressed the issues through the proper process. He added that he also realizes the potential danger that he put himself and others by his actions and is thankful that no one was injured. He stated that he is sincere and committed to be a great engineer in Texas. The applicant was encouraged to get involved with his community and profession.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting to allow Mr. Wong to take the PE exam. A vote was taken and the MOTION PASSED.

The Committee Chair called for a recess at 3:57 pm.
The Committee reconvened at 4:14 pm.

Christopher Barber. This applicant applied to be licensed in Texas by waiver of both exams based on a license in Arizona. His application was processed, but denied by staff because he was not able to provide sufficient documentation regarding the education requirements in Board rules. He appeared before the Licensing Committee in November 2011 to appeal the staff denial. Staff was directed to research the education issue that was in question. He has a degree from a university in the United Kingdom from 1975. His degree pre-dates the accreditation of the program under the Washington Accord. After much discussion, the Committee members decided that this application should be addressed by the full Board to get more input.

It was MOVED/SECONDED (Ballí/Raba) to table Mr. Barber's application and bring forward to the Regular Quarterly Board meeting on August 16, 2012, for discussion by the full Board. A vote was taken and the MOTION PASSED.

Dorice L. Griffin. This applicant applied for a waiver of the FE exam and requested to take the PE exam. She came before the Licensing Committee to appeal the denial of the application after Board circulation. The applicant's engineering experience is predominantly from her service in the Air Force and military positions. The applicant provided additional documents and described her experience within the Air Force. She added that she is excited and determined to take the PE exam and that she's been studying a lot.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting on August 16, 2012, to approve the waiver of the FE exam and allow Ms. Griffin to sit for the PE exam. A vote was taken, and the MOTION PASSED.

Chair return to agenda item #3.

5. Discuss and possibly act on the following proposed rule adoption(s).

- Subchapter F: Administration
 - §131.81—Definitions
- Chapter 133: Licensing
 - §133.21 – Applications for Standard License
 - §133.23 – Applications from Former Standard License Holders
 - §133.27 – Application for Temporary License for Engineers Currently Licensed Outside the United States
 - §133.31—Educational Requirement for Applicants
 - §133.33—Proof of Educational Qualifications-Non-Accredited/Non-Approved Programs
 - §133.61 – Engineering Examinations required for a License to Practice as a Professional Engineer
 - §133.65—Examination on the Fundamentals of Engineering

Mr. Howell stated that the eight (8) rules above were posted in the Texas Register for comment. Seven of the rules did not receive comments. The comment on §133.21 was that the proposed change to the acceptable passing score on the TOEFL was a reduction of the requirements on applicants. The staff agreed and modified the rule to scale the acceptable passing scores up to current rule level so it does not reduce the requirements. The comment and adjusted rule is addressed in the preamble. Per legal counsel, the proposed change does not have to be reposted because it is not a substantive change.

It was MOVED/SECONDED (Raba/Ballí) to recommend to the Board at its Regular Quarterly Board meeting scheduled on August 16, 2012, to adopt §§131.81, 133.21, 133.23, 133.27, 133.31, 133.33, 133.61, 133.65 as submitted. A vote was taken and the MOTION PASSED.

6. Licensing Director's Report.

- Reports
 - **Software Engineer Update.** Mr. Howell reported that the initial administration of the Software Engineering PE exam will be in April 2013. Along with the exam development, a document has been created to assist other licensing Boards in addressing the issues associated with Software Engineering. Mr. Kinney and Mr. Howell will be presenting it to the Member Board Administrators at the NCEES annual meeting in St. Louis. Texas has played a big role in successful of implementation of the exam..
 - **Results and statistics:** Application and Examination Report. Mr. Howell reviewed the report which was included as an exhibit. Staff is working harder than ever, and handling it well.

Dr. Raba asked about the pass rate for the Structural Engineering exam. Mr. Howell responded that the rates are low, but there is a general feeling that the exam development committee is aware of the pass rate and accepts it.

- **Licensing report.** Mr. Howell reported that staff is doing a great job. He commented on an ever-increasing workload and a noticeable decrease in application processing time.
- **Discussion of possible changes to sole practitioner firm registration.** Mr. Howell commented that this item was an action item from the last scheduled Licensing Committee meeting. A question arose asking if it was possible for a sole-practitioner firm and the PE that works for the firm to renew at the same time. Mr. Howell reviewed and discussed the exhibit included in the materials. Mr. Ballí thanked Mr. Howell for his efforts to respond to the suggestion, and added that the Board may want to look into making this possible in the future.

7. **Issues for consideration and schedule next meeting.**

Structural Engineer low exam scores and discussion at the National Council of Examination for Engineering and Surveying's annual meeting.

Dr. Raba commented that the building is looking worn, and suggested that the ED discuss improvements with the Chair.

Adjourn.

It was MOVED/SECONDED (Ballí/Raba) to adjourn the meeting at 5:29 pm. A vote was taken and the MOTION PASSED.

Date approved by Committee as submitted:
Date accepted by Board:

November 28, 2012
November 29, 2012